

REMARKS/ARGUMENTS

Claims 1, 2, 4-21 and 26-35 are pending in this application. By this Amendment, claims 1, 2, 17 and 18 are amended, and claims 22 and 25 are canceled without prejudice or disclaimer. Support for the claims can be found throughout the specification, including the original claims and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1, 2, 4, 7-22 and 25-35 under 35 U.S.C. §102(b) over U.S. Patent No. 2,828,178 to Dahlgren. The Office Action also rejects claims 5 and 6 under 35 U.S.C. §103(a) over Dahlgren. Claims 22 and 25 are canceled. These rejections, in so far as they apply to the remaining claims, are respectfully traversed.

Independent claim 1 is directed to a tray for a refrigerator. Independent claim 1 recites a press plate with a first end configured to be rotatably coupled to a boss provided on an inner surface of a refrigerator door, and a second end opposite the first end which rotates about the boss in a direction toward the inner surface of the door in response to an elastic force applied at the first end. Independent claim 1 also recites that the press plate includes a rotary shaft rotatably coupled to the boss, wherein the rotary shaft includes an elastic member mounted thereon that causes the press plate to elastically move in the direction in which it is brought toward the inner surface of the door, and wherein the elastic force causes an item stored between the inner surface of the door and the press plate to be positively retained between the inner surface of the door and the press plate. Independent claim 17 recites similar features in

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varying scope. Independent claim 30 recites that a storage space formed between a press plate and a surface of a refrigerator is adjustable to have a plurality of capacities between a fully open and a fully closed position of the press plate based on a size of an item to be stored in the storage space. Dahlgren neither discloses nor suggests such features, or the respective claimed combinations of features.

Dahlgren discloses a guard assembly for a refrigerator that includes a plurality of shelves 2 mounted within a recess 1 formed in its door. These shelves 2 are completely separate components from the surface of the door to which they are affixed by an indented portion 6 and a pair of clamps 7 (see column 2, lines 33-39 of Dahlgren). A guard 12 is rotatably attached to a pair of brackets 13, 14 which engage inwardly bent end portions 11 of the shelf 2. Helical springs 15 are positioned at each end of the guard 12, with a first end 15a pressing against a front cross bar 4 of the shelf 2 and a second end 15b pressing against the guard 12 to bias the guard 12 to a vertical position. The guard 12 defines an end portion of a fixed size storage space formed by the shelf 2 when the guard 12 is in its vertical position. The guard 12 may be rotated forward to facilitate the placement and removal of tall items from this storage space, but must return to its vertical position so that the items may be held on the shelf 2 and the door is able to close.

The guard 12 (compared in the Office Action to the recited press plate) is simply a flat, rectangular member coupled to the shelf 2 by the brackets 13, 14 which engage the ends 11 of the shelf 2, and does not include any type of shaft, as does the press plate recited in independent

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claims 1 and 17. The Office Action asserts that the bracket 13 is comparable to the recited shaft.

However, as can be seen in, for example, Figures 3 and 4 of Dahlgren, the bracket 13 is clearly a flat, L-shaped bracket 13 to which an end of the shelf 2 is coupled. Thus, Applicant maintains that Dahlgren neither discloses nor suggests the recited shaft.

The Office Action asserts that the shelf 2 is a part of the inner surface of the door. Applicant respectfully disagrees. Dahlgren clearly discloses that the shelves 2 are separate components from the door requiring a separate set of clamps 7 and indentations 6 for coupling thereto. Thus, it is respectfully submitted that the shelves 2 are not comparable to the inner surface of the door recited in independent claim 1, or to the mounting surface, let alone the recess in the mounting surface, recited in independent claim 17.

However, even if one were to improperly draw such a comparison, Dahlgren still neither discloses nor suggests that items stored on the shelf 2 are positively retained between the guard 12 and either the shelf 2 or the inner surface of the door. Rather, items stored on the shelf 2 are clearly supported by the upper surface of the shelf 2 alone, and not retained by the guard 12 or its elastic movement as its vertical position is restored upon release by the user. Thus, Dahlgren neither discloses nor suggests that the elastic force generated by the springs 15 causes any storage items positioned on the shelf 2 to be positively retained between the guard 12 (compared to the recited press plate) and the shelf 2 (compared to the recited inner surface of the door/mounting surface), as recited in independent claims 1 and 17.

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Additionally, the storage space formed by the shelf 2, the guard 12, and the inner surface of the door is fixed, both in position and in capacity/size. As previously noted, the guard 12 is merely opened to facilitate placement and removal of tall items from this fixed storage space, and then returned to its vertical position to keep items stored on the shelf 2 from falling. Further, if the size of the storage space defined by the shelf 2, the guard 12, and the inner surface of the door were to be adjusted to accommodate storage of a larger item by, for example, opening the guard 12 and then leaving the guard 12 in this partially open position for storage of this larger item, then the door could no longer be fully closed due to interference from the guard 12. Thus, it is respectfully submitted that operation of Dahlgren's device in this manner would destroy the originally intended utility and functionality of Dahlgren's device.

The Office Action asserts that it is unclear how this interference would prevent the door from closing properly. It is noted that, when in the vertical position, the guards 12 are essentially flush with the inner frame of the door (see Figure 1 of Dahlgren). To make optimal use of space, most refrigerators would also have shelves and/or baskets in their main interior storage compartments which extend essentially to the front of the main storage compartments. Thus, a guard 12 which is not returned to the vertical position before closing the door would interfere with a front end of a storage shelf or basket, thus prohibiting the door from closing properly. It is respectfully submitted that Dahlgren neither discloses nor suggests that the storage space provided by the shelf 2, and bounded by the inner surface of the door on its back end, and the guard 12 in its vertical position on its front end, is adjustable to have a plurality of capacities

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between a fully open and a fully closed position of the guard 12, as is the storage space recited in independent claim 30, let alone that such a plurality of capacities is based on a size of an item to be stored in the storage space, as recited in independent claim 30.

Accordingly, it is respectfully submitted that independent claims 1, 17 and 30, as well as claims 2, 4, 7-16, 18-21, 26-29 and 31-35, which depend respectively therefrom, are not anticipated by Dahlgren, and thus the rejection of these claims under 35 U.S.C. §102(b) should be withdrawn.

Further, it is respectfully submitted that, for the reasons set forth above, it would not have been obvious to modify the guard assembly disclosed by Dahlgren in the manner suggested in the Office Action. Thus, it is respectfully submitted that dependent claims 5 and 6 are allowable over Dahlgren, and that the rejection of claims 5 and 6 under 35 U.S.C. §103(a) should be withdrawn.

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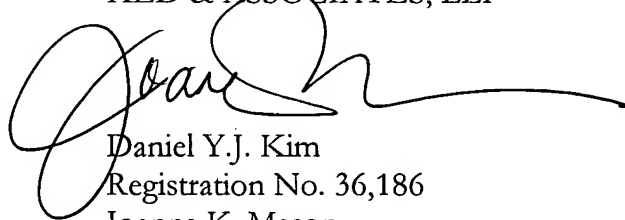
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Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, **Joanna K. Mason**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP



Daniel Y.J. Kim
Registration No. 36,186
Joanna K. Mason
Registration No. 56,408

P.O. Box 221200
Chantilly, Virginia 20153-1200
703 766-3777 DYK/JKM/lhd

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Please direct all correspondence to Customer Number 34610